

Claim Rejections - 35 U.S.C. § 102

Applicants submit that claims 4, 8, 13, 14, 18, and 19 recite subject matter not disclosed or suggested in any of the cited references.

Referring first to the Stadlbauer patent, that patent does not disclose or suggest all of the subject matter recited in claim 4. For example, claim 4 recites a body “adapted to function in a plurality of modes, including a first mode imitating a first persona, and a second mode imitating a second persona.” Stadlbauer does not disclose or suggest that subject matter. Instead, Stadlbauer discloses a mechanical animal that acts consistent with the persona of the animal it represents. For example, the Stadlbauer animal walks, barks, and urinates, which are acts consistent with the persona of a dog. There is no disclosure or suggestion that the mechanical animal can act under or imitate a second persona. For example, there is no disclosure or suggestion that the Stadlbauer animal talks, which is an act consistent with the persona of a human.

Additionally, claim 4 recites a manual actuator “adapted to change a function of the body between the first mode and the second mode . . . wherein the manual actuator is incorporated in the leg.” Stadlbauer does not disclose or suggest that subject matter. Instead, Stadlbauer discloses a switch 74 incorporated in the body of the mechanical animal, as shown in Fig. 2 of the patent. Thus, the subject matter of claim 4 is patentably distinct from the mechanical animal disclosed or suggested in Stadlbauer.

The Stadlbauer patent also does not disclose or suggest all of the subject matter recited in claim 14. For example, claim 14 recites a controller “adapted to function in a plurality of modes, including: a first mode, wherein the controller receives an input from

the at least one sensor and produces an output signal that drives the at least one motion generating mechanism and generates audio output through the speaker causing the body to imitate a first persona; a second mode, wherein the controller receives an input from the at least one sensor and produces an output signal that drives the at least one motion generating mechanism and generates audio output through the speaker causing the body to imitate a second persona.” Stadlbauer does not disclose or suggest that subject matter. As discussed above, Stadlbauer discloses a mechanical animal that acts under or imitates the persona of the animal it represents. For example, the Stadlbauer animal walks, barks, and urinates, which are acts consistent with the persona of a dog. There is no disclosure or suggestion that the mechanical animal can act under or imitate a second persona. For example, there is no disclosure or suggestion that the Stadlbauer animal talks, which is an act consistent with the persona of a human.

Moreover, noisemaker 108 in the Stadlbauer patent generates noise only when the mechanical animal is walking, and not when the mechanical animal is urinating (col. 3, ln. 52 to col. 4 ln. 43). There is no disclosure or suggestion that the mechanical animal can generate noise when it is urinating. Thus, the subject matter of claim 14 is patentably distinct from the mechanical animal disclosed or suggested in Stadlbauer. Claims 18 and 19 depend from claim 14 and should be allowed when claim 14 is allowed.

Accordingly, claims 4, 14, 18, and 19 should be allowable and the rejections based on Stadlbauer should be withdrawn.

Referring finally to the Smirnov patent application, that application does not disclose or suggest all of the subject matter recited in claims 8 and 13. For example,

claims 8 and 13 recite a controller “adapted to function in a plurality of modes, including: a first mode, wherein the controller receives an input from the at least one sensor and produces an output that causes the body to imitate a first persona; a second mode, wherein the controller receives an input from the at least one sensor and produces an output that causes the body to imitate a second persona.” Smirnov does not disclose or suggest that subject matter. Instead, Smirnov discloses a doll that has different moods associated with the doll persona based primarily on the selection of switches in mode selection circuit 28 (par. 34). There is no disclosure or suggestion that the doll can act under or imitate a second persona. For example, there is no disclosure or suggestion that the Smirnov doll barks, which is an act consistent with the persona of a dog.

Additionally, claim 8 recites at least one manual actuator that “activates the at least one transition sensor” and is “incorporated in the at least one appendage.” Smirnov does not disclose or suggest that subject matter. Instead, Smirnov discloses an electronic block 2 that is located in the body of the doll, as shown in Fig. 1. Thus, the subject matter of claims 8 and 13 are patentably distinct from the doll in Smirnov.

Accordingly, claims 8 and 13 should be allowable and the rejections based on Smirnov should be withdrawn.

The above remarks are believed to fully address the Examiner’s rejections, and to place the entire application in condition for allowance. A prompt indication of the same

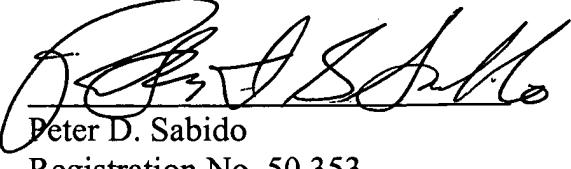
is respectfully requested. The Examiner is encouraged to telephone the undersigned if any issues remain that may be resolved by a telephonic interview.

Respectfully submitted,

KOLISCH HARTWELL, P.C.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 23, 2006.


Heidi Dutro


Peter D. Sabido
Registration No. 50,353
Customer No. 23581
520 S.W. Yamhill Street, Suite 200
Portland, Oregon 97204
Telephone: (503) 224-6655
Facsimile: (503) 295-6679
Attorney for Assignee